

IN THE DRAWINGS:

Accompanying this Amendment are the attached sheets of drawings which include color versions of FIGS. 1, 3-10, and 13 along with a Petition under 37 CFR 1.84(a)(2) and the appropriate fee. These sheets, which include FIGS. 1, 3-10, and 13, replace the original sheets including FIGS. 1, 3-10, and 13.

REMARKS

The Final Office Action of September 8, 2011, has been received and reviewed. The claims are to be amended as previously set forth. New claims 55-58 are presented herein. Basis for new claims 55-58 can be found throughout the Specification and more specifically the paragraph bridging pages 23 and 24, the last full paragraph on page 47, the first full paragraph of page 50, and Table 2. All amendments and claim cancellations are made without prejudice or disclaimer. No new matter has been presented. Reconsideration is respectfully requested.

35 U.S.C. § 112

Claims 49-54 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite. Applicants note that the rejection of claim 49 is moot as that claim is cancelled herein. Applicants have amended the remaining claims, and partially in view of the amendments, traverse the remaining rejections as hereinafter set forth.

The Office asserted that there was insufficient antecedent basis for the phrase “based on the established level of expression similarity.” As noted, applicants have cancelled claim 49. Applicants have also imported the elements of claim 49 into each of claims 52-54, which have been rewritten in independent format. Applicants submit that the amendments to claims 52-54 correct the lack of antecedent basis indicated by the Office. Applicants have also amended claims 50 and 51 to depend from newly independent claim 52.

In view of at least the foregoing, applicants submit that the rejections of claims 50-54 have been overcome.

35 U.S.C. § 103

Claims 49-51 stand rejected under 35 U.S.C. § 103(a) as assertedly being obvious over Kohlmann *et al.* in view of Schoch *et al.* Applicants note that the rejection of claim 49 is moot as that claim is cancelled herein. Applicants have amended the remaining claims, and partially in view of those amendments, traverse the remaining rejections as hereinafter set forth.

As noted *supra*, applicants have amended claims 50 and 51 to depend from newly independent claim 52. As claim 52 was not indicated as being obvious over the combination of

the references, claims 50 and 51 can no longer be considered obvious in view of those references.

In view of at least the foregoing, applicants submit that the rejections under 35 U.S.C. § 103(a) have been overcome.

ENTRY OF AMENDMENTS

Pursuant to 37 C.F.R. § 1.116, applicants respectfully submit that the amendments presented herein should be entered as the amendments are made to expedite prosecution, are believed to remove issues for appeal, and place the application in condition for allowance.

Applicants respectfully note that, as indicated at MPEP § 714.13(III), the Examiner is required to give the proposed amendments sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified. Applicants respectfully submit that the amendments avoid the rejections set forth in the Final Office Action, raise no issues of new matter, present no issues requiring further consideration or search, and do not present any additional claims which introduce new subject matter into the claims. If the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested as they remove issues for appeal. As such, the applicants respectfully request that the amendments presented herein be entered and a Notice of Allowance issued.

CONCLUSION

In light of the above amendments and remarks, applicant respectfully requests reconsideration and allowance of the application. If questions remain after consideration of the foregoing, or if the Office should determine that there are additional issues which might be resolved by a telephone conference, the Office is kindly requested to contact applicant's attorney at the address or telephone number given herein.

Serial No. 10/590,385

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel J. Morath', written over a horizontal line.

Daniel J. Morath, Ph.D.

Registration No. 55,896

Attorney for Applicants

TRASKBRITT, P.C.

P.O. Box 2550

Salt Lake City, Utah 84110-2550

Telephone: 801-532-1922

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Enclosures: 3 sets of color drawings
1 set of black and white drawings